

**MINUTES  
HIGHLAND CITY COUNCIL MEETING**

**Tuesday, January 07, 2014**

Highland City Council Chambers, 5400 West Civic Center Drive, Highland, Utah 84003

**PRESENT:** Mayor Mark Thompson, Conducting  
Councilmember Brian Braithwaite  
Councilmember Rod Mann (Electronically)  
Councilmember Tim Irwin  
Councilmember Dennis LeBaron  
Councilmember Jessie Schoenfeld

**STAFF PRESENT:** Aaron Palmer, City Administrator  
Matthew Shipp, Public Work Director/ City Engineer  
JoD'Ann Bates, Executive Secretary/ Recorder  
Nathan Crane, Community Development Director  
Gary LeCheminant, Finance Director  
Kasey Wright, City Attorney  
Shannon Garlick, Secretary

**WORK SESSION: 6:30 P.M.**

The meeting was called to order by Mayor Mark Thompson as a work session at 6:31 p.m. He indicated Wendell Smith was here to introduce Dubli, a new marketing concept with financial benefits, to the Council.

**PRESENTATION: Wendell Smith of Dubli – global, eCommerce portal**

Tom Butler, resident of Highland, stated nonprofit organizations, like the City, always face the problem of not having enough funding. He explained the three traditional ways to gather funds are property taxes, costs and fees, and sales tax. He stated the problem in Highland is that most citizens do not want additional commercial or businesses open on Sundays which reduces sales tax revenue. He stated this impacts the infrastructure of the City. He explained the Dubli Partner Program helps nonprofit organizations earn those necessary funds.

Wendell Smith, representative of Dubli, stated they have been morphing into what is now a passive approach to funding for nonprofit organizations. He explained they are currently doing beta tests with the American Red Cross and American Cancer Society, along with smaller organizations as well. He mentioned the funding is done through saving people money. He explained Dubli is the world's largest online shopping mall and soon to be the world's largest travel portal. He stated Dubli allows a community savings center with specific savings for the community and a supporting commission structure for Highland City. He stated Dubli is a ten year old publicly traded company that started out as a reverse auction company, but transitioned

their focus to online travel, shopping and entertainment. He stated Dubli has put together some of the best people in the tech world and created a program that nonprofit organizations can use for free. He stated Dubli is set up similarly to Costco and their focus is on cashback. He explained Dubli works with the top online companies and receives the best deal on those sites, but a member of Dubli would also get a percentage of cashback as well. He mentioned there are coupons and special deals for members. He stated Dubli would remove their branding, and put on Highland City's branding. He explained the residents would be saving money through cashback, and the City would be making 30% on all the net revenue. He stated Dubli created a toolbar that a user would download one time, and then each time they search in their internet browser it automatically populates the stores associated with Dubli and they receive cashback on all of those sites. He mentioned a free customer would receive approximately 7% cashback on each site, and a VIP customer would receive approximately 14% cashback. He explained the City would be receiving approximately 2-2.5% back for each purchase made. He stated a member's cashback would be transferred to an eWallet once a month that can then be transferred to a Dubli Mastercard, Paypal, or their bank account. He stated there is a free membership, where a member would receive cashback, free cloud storage, and entertainment benefits; or a VIP membership, which costs \$99 a year, but adds better cashback and 100 gigabytes of cloud storage. He stated about 45% of Dubli's users have free memberships and are getting approximately \$150 back a year. He stated 35% of the users have premium memberships and pay \$4.95 a month, and 20% are VIP members who pay \$99 a year. He stated this saves members money, while earning funds for the City.

Dennis LeBaron questioned if any other cities are participating in the Dubli Partner Program.

Wendell Smith stated Dubli just finished a program with Mountainland.org who is implementing it with Orem and Provo Cities on the customer side. He stated the charity portion of the program was put in place three months ago, so there are not yet any officially registered cities.

Tim Irwin questioned what the proper role of government is in a retail environment.

Tom Butler stated the proper role of government is to provide essential services at the least cost to citizens. He explained if the City can find a program like this that can fund additional projects without raising taxes and without a contract there should not be a problem. He stated they ran it by Kasey Wright who stated he could not see any legal objections to the program because there are no strings attached.

Tim Irwin stated partnering this program is getting involved with the private sector, which may not be the role of government. He stated he is quite familiar with travel, and the margins seem too high. He explained he ran a large travel company and at the end of the day, they were lucky to get 1-2%.

Wendell Smith explained it would be 30% of net revenue. He explained Priceline.com gets approximately 45% for the hotel rooms they sell on their site, and because Dubli has such a large customer base they get about 20% back.

Tim Irwin stated he understands having a large customer base gets better deals, but there is only so much money. He explained Priceline.com offers rooms at a 50% rate, so after that, there is not a lot to give back.

Wendell Smith stated it is a ten year company that is publicly traded, so the profit margins are there or else the company would not be around. He explained Dubli is set up similar to Costco where they benefit the customer as much as possible and operate on a 5-8% margin. He mentioned the membership fees are where they make a lot of money.

Tim Irwin stated the problem with bringing down the margin so low, is that the quality begins to go down as well. He stated customers are getting cashback; the City would be earning revenue as well as the company. He questioned who else is getting a portion of the money. He also questioned how the word would get out to the residents.

Wendell Smith explained the merchants love working with Dubli because they receive free advertising and marketing in exchange for giving Dubli 10-15%. He stated the company gets a piece; the customer gets the largest portion, and the organization that brings the data base gets their portion as well. He explained there would be a simple banner on the website, and any publications that go out would have a QR code and something stating what the program does. He explained there would not be any extra marketing, but it would be done through soft marketing.

### **REGULAR CITY COUNCIL SESSION: 7:00 P.M.**

#### **OTHERS:**

The meeting was called to order by Mayor Mark Thompson as a regular session at 7:02 p.m. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Brian Braithwaite and those assembled were led in the Pledge of Allegiance by Dennis LeBaron.

#### **APPEARANCES:**

Heidi Cordner, resident of Highland, followed up with the Council on the handicapped parking stalls at Freedom Elementary School. She stated she met with the school district and their lawyers on December 20<sup>th</sup> and school stated they had no intent to enforce the parking. She explained most of the handicapped parking is utilized by grandparents, so she requested the school leave two parking stalls for "Student Use Only", and the school refused. She suggested having "City Parking by Permit Only" on the street, which would limit the parking to whomever the City issues a permit.

#### **CITY COUNCIL / MAYOR ITEMS:**

Tim Irwin welcomed the new Councilmembers and Mayor. He explained he would like the Council to set goals and priorities and have public input on the budget process through work

sessions. He stated at the recent election candidates made promises that cannot be fulfilled without the assistance of the whole Council. He stated the Council needs to clarify what is important and better communicate with their residents. He explained the Council needs to give input on the City's priorities so the Council Representatives can properly represent the citizens of Highland on the various Boards. He stated it would also be important for the Council to review the City finances on a monthly basis to see where the City is on the budget. He welcomed the new Finance Director to the City.

Brian Braithwaite asked the Finance Director to introduce himself.

Gary LeCheminant, Finance Director, stated he is from California and he has approximately 25 years of financial experience. He stated he is here to provide financial analysis to assist the Council in making educated decisions.

Brian Braithwaite stated the Open Space Agreement was supposed to move forward in December and asked for an update. He questioned what is happening with the City owned homes as well.

Nathan Crane stated the City just received a letter from the ombudsman and were scheduling an Executive Session at the next meeting to discuss it. He stated the renters moved out of one of the homes and it was listed, but there were no responses. He explained improvements are being done to the home. He explained there were some flooring and plumbing issues that were fixed at the other home and the renters will be moving out in the near future so other improvements may be made. He stated the homes will be relisted as soon as the improvements are completed.

Brian Braithwaite questioned what the next step will be for the parking at Freedom Elementary.

Mayor Thompson stated he does not currently have an answer, but a resolution needs to be made quickly so there is proper parking for students.

### **CONSENT:**

MOTION: Approval of Meeting Minutes for City Council Regular Session – December 3, 2013.

RESOLUTION: City Employee Appointments – Re-Appointment of the City Recorder and City Treasurer. JoD'Ann Bates as City Recorder and Jill Ballamis as City Treasurer.

MOTION: City Council Member Appointments – Appointments to the Lone Peak Public Safety District. Mayor Thompson and Tim Irwin to represent Police and Fire. Brian Braithwaite to represent Fire only.

MOTION: City Council Member Appointments – Re-Appointment to the Timpanogos Special Service District. Brian Braithwaite as Council Representative.

**MOTION: Jessie Schoenfeld moved the City Council to approve the consent items on the agenda.**

**Tim Irwin seconded the motion.**  
**Unanimous vote, motion carried.**

**ACTION ITEMS:**

**MOTION:** Nomination and Selection of Mayor Pro-Temore – Vote of the City Council.

**MOTION:** **Tim Irwin nominated Brian Braithwaite for Mayor Pro-Temore.**

**Rod Mann seconded the nomination.**  
**Unanimous vote, motion carried.**

**MOTION:** Reimbursement to Hadco Construction – Upsizing of a Pressurized Irrigation Water Line to meet the Highland City Master Plan.

Matt Shipp stated Hadco Construction is building a subdivision for Perry Homes. He explained the Master Plan calls for an upsizing from the required 8" pressurized irrigation line to a 16" line. He stated Hadco installed the larger line and now need to be reimbursed. He explained the City initially put in the 16" line so when there is future development in that area they won't have tear up the road and put in a larger line.

Mayor Thompson stated this bill reflects the difference in cost from the 8" line which was required and the 16" line that the Highland City Master Plan calls for.

Tim Irwin questioned why the 16" was not originally required to be put in by Perry Homes. He questioned if the money will be reimbursed by future developments.

Matt Shipp replied the 8" pipe is what is needed for their development, but the 16" will be used for future developments and will be paid for through impact fees as developers come in.

Brian Braithwaite explained if this was the only subdivision that needed the pipe it would only need to be 8". He stated the City paid for the larger pipe because they are planning on having future subdivisions come in and will need to connect to the pressurized irrigation line. He stated the City will need a larger line to support these future developments, so they are planning ahead. He stated it would be helpful if the Council knew exactly where in the budget the money for the reimbursement was coming from. He mentioned there was a lot of talk of during the election about cash the City had, but a lot of it is specifically for areas like the roads or pressurized irrigation. He stated it should be identified on future motions so the Council can see which account the money is coming from and where it fits in the budget.

Aaron Palmer stated in the future they will make sure the account numbers are listed in the fiscal impact area of the staff reports.

**MOTION:** **Brian Braithwaite moved the City Council to approve the reimbursement to**

**Hadco Construction Company for the upsizing of the pressurized irrigation water line to meet the Highland City Master Plan size in the amount of \$38,134.**

**Jessie Schoenfeld seconded the motion.**

**Unanimous vote, motion carried.**

**MOTION: Approval of a Contract with Highland Town Plaza, LLC (WPI) – Purchase of 0.36 acres and a 0.178 acres easement.**

Nathan Crane stated the site is shown as mixed use/commercial on the General Plan updated in 2008. He stated in October of 2002 the Council approved two resolutions; one approved the disposal of the property and declared a surplus. The other allocated future property and sales tax revenue from this site and a larger site to the Culinary Water Fund. He stated in December of that year the site plan for Meier's Fine Foods was approved along with the master site plan. He explained this is the site plan, including Meier's Fine Foods, and there are plans for three additional buildings. He mentioned one will be south of Wendy's and approximately 3,600 square feet and the other two will be approximately 4,000 square feet retail pads. He explained users for the pads have not yet been identified, but the site plan shows the general locations. He mentioned they made sure there would be enough parking. He stated one of the big attractions to this proposal is the ability to reduce the debt that is owed to WPI. He explained exaction fees are when developers contributed and built infrastructure up front and an agreement is signed that they will be reimbursed for those costs as development occurs. He stated currently the City owes \$638,000 to WPI which will be paid for with exaction fees as property develops. He explained the Town Plaza site and the property purchase will have exaction fees of \$216,000. He explained that would lower what they owe to WPI to \$421,000, and if the purchase price of \$300,000 is used, the debt is further reduced to \$121,000. He stated the estimated sales tax generation for the master site plan shows the City's portion at \$100,000 a year. He mentioned Meier's Fine Foods represents approximately 50% of that estimate, and that Meier's expects a decrease of approximately 20% of their overall sales if the project does not move forward.

Brian Braithwaite questioned if all three pads will have retail use.

Nathan Crane replied yes, they will, but these are just estimates. He stated one of the Council's concerns at the last meeting was the cost for relocation. He explained based on the requirements in the Development Code for landscaping and setbacks 20,000 square feet would be needed to accommodate a 4,000 square foot building with two overhead doors, electricity, heat, and utilities. He stated staff had three contractors give bids on the building which was on the high end of \$80,000 and low end, without electricity and heat, about \$40,000. He stated the site work would cost between \$3-4 per square foot, which would include bringing utilities from the road to the site, landscaping, perimeter fencing, and a parking lot. He stated based on 20,000 square feet the cost would be between \$60,000 - \$80,000.

Rod Mann questioned if the site preparation cost would depend on the selected location.

Nathan Crane stated yes; the cost would depend on the location and the design of the building. He stated the estimated cost would be \$201,000 and the City can pay for the building with the

\$253,000 in existing exaction fees. He mentioned the estimated construction time would be 3-4 months, and staff believes a site could be selected and the building constructed within a year, if not shorter. He stated staff contacted the State Division of Water Quality regarding the well head protection plan. He stated the retention for the site was built with Meier's Fine Foods and no additional well head protection improvements are needed. He stated according to the State, City Engineer, and City Attorney the site meets all current regulations. He stated they are requesting an easement for access to the site, and the City is requesting an easement that will allow access to the well head, if needed. He explained the purchase price is \$300,000 and the City has a year to move the equipment building. He stated there are provisions for well head protection, utility locations, access to the well site, and site design. He explained staff identified five possible locations for the future equipment building, four that were considered in November and an additionally added site. He explained the pros and cons to each site are stated in previous minutes. He stated there is the West Park Road site, which is next to Highland Glen Park. He mentioned it is 35,000 square feet. He stated there is a site above Pheasant Hollow, which is the area known as the "bone yard". He mentioned the property is approximately 30,000 square feet. He stated there is the Mitchell Hollow site, which is 46,560 square feet including the site for the well. He stated the next site is the Old City Hall site, which is approximately 34,000 square feet. He explained the other site that was not discussed in November; staff calls the Victor Property, which is a gravel pit by the Spruces Subdivision approximately 4.6 acres. He explained the site benefits are the close proximity to the existing public works building, the surrounding land use of a gravel pit which means low impact to existing owners, access to Timpanogos Highway, it could support the planned future recharge pond and park in the area, and could accommodate the expansion of the public works facility in the future, if and when needed.

Dan Schmidt, proposed buyer and Representative of WPI, stated in 2003 the City entered into a City Development Agreement with WPI's partnership to develop the Town Center. He explained they spent a million dollars putting in the Town Center Boulevard North road ten years ago and there is no interest incurring. He stated the difficulty with the agreement is the benefit of the exaction fee is not outlined so potential property buyers are intimidated by the added fee. He mentioned the property is approximately \$6 a square foot with an additional \$2.50 per square foot exaction fee. He explained the document is valid and standing, but the City has not continued to pursue the \$2.50 exaction fee. He stated WPI works with the City and tries to be very flexible. He stated when Meier's Fine Foods came to WPI and discussed their interest in the area; WPI immediately approached the City in terms of this additional piece of land. He stated this property purchase has been an ongoing discussion with the City for at least eighteen months. He explained the Meier's Fine Foods site plan and construction documents all contemplate the additional land purchase, along with the infrastructure and improvements that were in place. He stated there is only so much tax base the City can generate in commercial corridors, but an equipment building can be relocated in a number of areas. He explained Meier's Fine Foods is concerned regarding the potential inability to move forward, because they do not want to be an isolated stand-alone store. He explained Meier's planned on the success of his business by having adjacent development.

Mayor Thompson stated there has been a couple of statements made that everything is in compliance, but Zone 2 does not allow direct entry into the Type 5 Injection Well where the

sump is on the property. He explained the sump should not allow direct entry, and there is an open grate on it which would allow direct entry.

Dan Schmidt stated the engineers have made the Class 5 Injection application to the State, and have not received any knowledge that there was any problem with the application, which would be made after the improvements were in place. He stated he cannot specifically answer that because their engineer is not present, but the plans were reviewed by City staff, and all care was taken to comply with Highland's Ordinances.

Mayor Thompson questioned if the parking lot needs the open grate to function or if it should all be running through the collection box.

Dan Schmidt stated the construction as is was what was required. He stated a lot of the improvements in place that needed to be connected have very slight grades and that the site was relatively flat upon original construction.

Jessie Schoenfeld questioned if all of this was taken care of before Meier's Fine Foods went in and is already in effect. She stated selling the property would not change the compliance.

Matt Shipp replied the way staff reads and understands the Ordinance and the State rules regarding this, staff believes they are currently in compliance. He stated the sump that is installed is for the entire parking lot.

Mayor Thompson questioned if it does not have to run through the collection box and pretreatment. He explained the sump currently has a grated cover, so it could directly take water into the injection.

Matt Shipp stated it is currently running into a collection box and then through a snout over into the sump. He stated he will have to look into the issue. He stated he did not realize there was a grated cover, but it should probably be covered.

Kasey Wright stated under the terms of the contract, they are bound to comply with whatever rules and Ordinances are in place. He stated if they are not in compliance to move forward with their development, they will be required to become compliant in order to continue to move forward with the development of the property.

Brian Braithwaite stated the City Council reduced the required exaction fee because they wanted to encourage people to consider building commercial in Highland. He explained there was the belief that traffic would be driven into the middle of the town, but traffic goes on the main roads.

Dan Schmidt stated they are cooperatively working with the City without making changes to the Development Agreement to lower the fee and come to a resolution on the agreement. He stated all of the costs need to be covered, but there were less landowners owning the core part of the Town Center than was originally anticipated, because of the exaction fee.



Nathan Crane stated he believes without lowering the fee Arctic Circle and Meier's Fine Foods would not be in Highland today.

Tim Irwin stated WPI made a million dollar investment in the road, and questioned what the City's total obligation is to WPI. He questioned if it is the \$600,000 figure.

Dan Schmidt stated Nathan Crane rounded it to \$638,000.

Tim Irwin clarified the agreement is that number, even with the reduction in the exaction fee. He stated he would like to follow through with the development. He stated it is the Council's fault that a replacement building was not built to move the equipment. He explained he does not want to put the City in a position where they sell the property and still do not have a place to put the equipment. He stated he would rather the City first build a new building, but with the expectation that the City is planning on selling the property for development. He stated he would like the Council to select a site and a contractor, begin construction, and then move forward with the sale of the property. He questioned what the process is once the Council selects a site.

Nathan Crane stated once a site has been selected, they will get a design and approve costs; then go through the Planning Commission with a public hearing and City Council.

Dan Schmidt stated they worked with staff to anticipate the time line and that is how they decided on a year. He asked to approve the contract as is, but with the stipulation that it is to be sold at the completion of the new equipment building. He stated they were hoping to begin marketing the property.

Tim Irwin expressed his concern that things always take longer than expected. He explained the Council is trying to be more business-friendly. He stated the Council needs to select a site and begin the process, and then he is okay with putting together a contract.

Dan Schmidt questioned if it would be okay to approve the contract with the contingency that the property would not be ultimately sold until a new building is complete. He stated it needs to have a sunset, so it could have a sunset of two years.

Kasey Wright stated it is a legal, but it just becomes a policy decision between the Council and WPI.

Jessie Schoenfeld stated all the Council needs to do is select a site and there have already been bids made. She stated she does not understand why the process cannot be completed in a year. She stated the Council never can answer all the questions, so sometimes it is best to just move forward with determination.

Tim Irwin replied he agrees it could be done in a year, but the Council talked about it a year ago and it still has not been completed. He stated he would prefer not to be in a time crunch.

Nathan Crane stated the buyer needs a contractual agreement to be able to market the property, and the City is a little uncomfortable with the time. He stated what is being proposed is a

compromise that meets both parties. He explained this gives the City time to relocate the building and gives the buyer the ability to market the property.

Dennis LeBaron questioned what the maximum amount of time the City could have to relocate the building.

Dan Schmidt stated it is a contractual agreement so the time frame is open, but they would prefer to see it done as short as possible. He stated he believes a year is more than enough time. He stated when agreements change or a time frame runs out, they can just renegotiate at that time, but it allows everyone to proceed with their plans. He stated they could establish new time frames if it is not completed in a year.

Brian Braithwaite stated he believes it is possible to get everything done in a year, but there should be a time frame of two years to be safe. He explained they can always shoot to have to done in a shorter amount of time, but two years is realistic.

Nathan Crane stated there are things that can be run concurrently with what the City does and WPI needs to shorten time.

Tim Irwin stated one pad is already ready, and questioned if they can market that pad for the time being. He questioned if there are any interested tenants.

Dan Schmidt replied technically yes, but synergistically they would like to wait till there is an insurance of contractual right, so both pads can work together. He stated the buildings are anticipated to be approximately 4,000 square feet which may accommodate three tenants. He explained it is not a large building, so they would like to have the synergy of both buildings. He stated they have had discussions, but have not actively begun marketing.

Brian Braithwaite stated if they knew the other pad was contractually obligated for purchase, they could begin marketing the first pad and have construction begin before the two years. He explained they wouldn't necessarily need to wait for the second building. He explained the cost would go up if they did not meet the approved deadline of one year and therefore need to renegotiate the contract.

Mayor Thompson stated in 1995 Highland and Alpine created a new Fire Safety District, and bought equipment but did not have a place to put it. He stated the City rented the building on 5600 West and 10535 North to keep the fire equipment there, and they had a Genset generator coming and nowhere to put it. He explained they built a second building and it took seven years before they moved on from that rental. He explained history shows that this does not happen very quickly, because there are always unhappy residents that will go to serious ends to see it is not built in their neighborhood. He stated he has always believed if the City has property around a wellhead they should not give it up. He stated he would prefer to set the time to solve the issue with the property, and then move forward with the current contract. He stated he is uncomfortable with approving it tonight and then realizing they will not be able to have it completed within the time frame.

Brian Braithwaite stated he did not approve the contract last time because these issues had not been answered and a site had not been decided on. He explained he is not against the process or the sale of the property, but believes the issues need to be resolved. He stated all of these locations have some issues, so it may be possible that none sites will work and the City will need to purchase property. He stated it becomes a matter of integrity.

Tim Irwin stated he agrees it is an issue of integrity. He stated if the Council had not approved what they did; Meier's Fine Foods would not currently be there. He stated at the same time his expectation was that there would be a place to put equipment the, so the Council needs to find one as soon as possible.

Nathan Crane stated staff recommends the Victor Property, because of the existing use of the land so there would be limited impact. He stated it is far away from residents, it is close to the Public Works Facility and could be used to expand the Public Works Facility or could also be used to help maintain the planned recharge park.

Brian Braithwaite stated the cons for this property are it is used as a gravel pit which will hopefully be developed into homes, along with all of the land behind it. He stated it would be at the entrance of the future subdivision and it is not a nice building, so they would have to upgrade it. He explained Staker Parson owns the land behind it so he believes this would be a great piece of property to exchange with Staker Parson for another piece of land in the back that could be used for a recharge or park. He stated the City needs to look at this as a Master Plan and sit down with Staker Parson to decide how to utilize the land. He stated it is short sided to put a building on this piece of property, when they could have the opportunity to develop the whole area which would be a great asset to the City. He mentioned they may be able to trade these 4.6 acres to Staker Parson for 8 acres back farther inside which could be used for the recharge, park, and this building.

Dennis LeBaron questioned if the value of the property is also considered as part of the cost.

Nathan Crane replied no; what was presented is just the estimated total construction cost. He stated the value of the property is not a lot because it is a gravel pit.

Mayor Thompson stated the City still owns an additional five acres to the North as well. He stated the City sold them the gravel, not the property. He stated he agrees; the unknown use of the parcel makes it an unattractive option to utilize as property for an equipment shed.

Brian Braithwaite stated if they have nine acres, they could speak with Staker Parson to plan the area and decide how the land would be traded and divided so both sides would win. He stated the City could put a shed on the property, and then in five years tear it down because the value of the land and development makes it work moving the shed. He stated he would rather the City put the money into something somewhere else if anywhere worthwhile can be found.

Dennis LeBaron questioned regarding placing a building on the current public works site.

Matt Shipp stated if a building is placed there, they would lose the needed access into the pump house. He stated he does not view it as a feasible option.

Mayor Thompson stated the City would be putting a lot of time on the equipment because the property is so out of the way. He stated there is more centrally located property that will have serious objections, but would be closer to the service areas and parks.

Brian Braithwaite stated he is not in favor of the Victor Property because he believes it would take time to come to a real solution with the owners of the land behind it. He stated he believes it is in the City's best interest to think ahead and utilize the property for development. He stated if there was a Master Plan for the property, it could be a good decision, but that would take a lot longer than the year time frame. He stated that property would be best utilized as a recharge basin.

Dennis LeBaron questioned what the staff recommends for the second choice.

Nathan Crane stated in November, the staff originally selected the property by the old City Hall, but because of Council input they decided to go with the Victor Property.

Jessie Schoenfeld stated a pro for the Old City Hall is how centrally located it is. She stated a con is how close it is to neighbors.

Tim Irwin stated the close proximity to residents was his objection to the site.

Brian Braithwaite stated his concern with the site at Mitchell Hollow is it is designated as a future tank site as the City grows out. He stated when the tank is needed the City would need to get rid of the building. He stated he is leaning toward the land above Pheasant Hollow, because although it is a long way to travel, once the Murdock Canal Connector Road comes in it won't be as big of a problem. He stated it is nice because it is away from people and will be back behind the development. He stated it is not centrally located, but it will have the least amount of objection from residents. He stated the other concern from staff is the property is small. He asked for some clarification on how big of a negative impact the size would have on the building.

Matt Shipp stated the main objection is the distance, but the land is also used for open burns. He stated the County Trailhead for the Murdock Trail was just put in to the north, with the bathroom and parking in that area. He stated the City receives a phone call about once a month from residents upset about having the bathroom up in that location. He stated he does not believe there will be no objection from residents regarding the building at that site. He stated the building would be south of the bathrooms.

Jessie Schoenfeld stated the City does not know what the State will do with property to the east. She stated they could decide to develop homes right there.

Brian Braithwaite stated they could, but there is no objection to the building there today. He stated the State can do whatever they would like, but the City would already have the building there first. He stated the objection at the Old City Hall is the homes have already been built there.

Rod Mann questioned if theft will be an issue because it is such an isolated location.

Matt Shipp stated yes, that would definitely be a concern. He stated the property would have to be fenced off and secured.

Brian Braithwaite stated he would prefer the site above Pheasant Hollow or the Old City Hall. He stated he believes the negatives outweigh the positives in the other locations. He stated the other option would be to go out and buy property.

Dennis LeBaron questioned if traffic would be a problem at the site above Pheasant Hollow.

Matt Shipp stated yes; pedestrian traffic could be a concern until it is fully developed. He stated the building would fit on the property above Pheasant Hollow, but his concerns are pedestrian and trail use. He stated getting in and out is a concern, because people may park wherever in the parking lot. He mentioned they would have to drive through the parking lot to get onto the trail road to get to the main road, so he has immediate concerns. He stated if the school develops the property to the east, they could bypass the parking lot, but then they are relying on the school to develop their property.

Nathan Crane stated if the Council views this as a temporary solution they could use the Victor Property, and the costs would go down to \$50-60,000 because they wouldn't need to make site improvements, just put up a shed. He stated they could do the same thing out on the property above Pheasant Hollow.

Jessie Schoenfeld questioned what staff believes is the best opinion.

Nathan Crane stated based on the experiences he has had in Highland, he believes anything internally will have issues. He stated if they are trying to satisfy the public than the best option would be to squeeze something temporarily onto the Public Works site, across the street on the parking lot for Viewpoint, or the Victor Property.

Matt Shipp stated the Victor Property would be the easiest to put something on, especially if it is just temporarily, then they will easily be able to recoup their costs. He stated if in the future, they want to develop the property they could work out a trade agreement with Westroc and push the building towards the back. He stated he does not believe the public works building would work because it is already overflowing. He stated in the summers there are up to 25 employees using the parking lot and equipment. He stated it is extremely tight, and is almost unsafe. He stated the property across to the west could possibly hold a facility, even temporarily, but they may have push back from Viewpoint residents. He stated none of these locations are ideal. He stated his biggest concern is storage capacity and a place for the employees to park. He stated the Victor Property helps with those concerns. He stated the problem with the Victor Property is future development.

Rod Mann clarified the current building has power and water. He questioned if the building is temporary, does it still needs those utilities.

Matt Shipp stated he would prefer to have those utilities, so staff can use the building during the winter. He stated the site at the Old City Hall is surrounded on three sides by residents. He also stated that it is the Community Center and the parking lot gets used, so they would once again have the problem of driving through a parking lot.

Brian Braithwaite stated that the parking lot at the Community Center would be more utilized at night, as opposed to the site above Pheasant Hollow which would be used more in the morning.

Tim Irwin stated the problem will be when the staff brings equipment back at the end of the day. He stated there is already not enough parking at the Community Center, and this will only add to the parking issue. He stated it is a nice Community Center and does not want that to become a problem.

Dennis LeBaron questioned regarding having smaller sheds in the parks themselves with equipment.

Matt Shipp stated they thought about putting sheds in the parks, for instance, the Beacon Hill Park. He stated the difficulty with that is there is just the equipment for that particular park. He mentioned they talked about having a smaller one placed in Mitchell Hollow Park. He stated there have been discussions and it could be investigated further. He stated it is slated for a shed in the Beacon Hill Park, but that is mainly for smaller equipment.

Jessie Schoenfeld questioned if having them in the parks would increase the risk of theft and vandalism.

Matt Shipp stated the parks are surrounded by residents. He stated they would be smaller and there would not be equipment outside so they can better secure the sheds. He stated they don't have as big of a threat for theft and vandalism as the property above Pheasant Hollow.

Tim Irwin stated he is leaning toward the Victor Property as a temporary location, with the ability to recoup the costs at a later time.

Brian Braithwaite questioned if the access road in Viewpoint belongs to the City.

Matt Shipp stated the City has use of the road, but it belongs to Westroc. He stated they need the City as well, because their road passes through City property.

Mayor Thompson questioned regarding the Clay Property to the south of the Victor Property for a temporary building.

Matt Shipp stated that is a great option, staff would just need to look at the site, engineer it, and make sure it would be able to stabilize and hold the equipment. He stated they will look into it.

Jessie Schoenfeld stated she does not believe it should be temporary, because the City would be spending the same amount of money anyway, so they might as well get as big of a bang for their

buck. She stated they should consider it a permanent structure, unless Staker Parson comes and asks to trade so they can develop the subdivision. She stated it does not need to be perfect, but it could be set up a little better and have decent landscaping.

Nathan Crane stated if the property is temporary they don't put in as much landscaping and the building is designed differently so the cost will fluctuate.

Mayor Thompson stated they need to decide if it will be a temporary or permanent structure. He stated the current building was not built as a temporary structure. He stated no one will want a half decent structure in their backyard and the Council needs to think about future residents and not just the current ones.

**\*\*Mayor Thompson recessed the meeting at 9:13 p.m. The meeting reconvened at 9:29 p.m.\*\***

Nathan Crane stated Aaron Palmer has had some preliminary conversations with Cedar Hills regarding using temporary storage in their City.

Aaron Palmer stated Cedar Hills is looking at building a permanent storage for the golf course. He stated he has been speaking with Dave Bunker, and they stated they could use some of that as temporary storage, until Highland could build their own facility. He stated they are currently working on designs for the building, so if it is completed and Highland still needs storage after the one year time frame, they will allow Highland to use their building for temporary storage, until the City has their own building.

Mayor Thompson took an unofficial vote on the Council and staff's preferred location at that time. Staff and Council all voted for the Victor Property, besides Brian Braithwaite who preferred the site above Pheasant Hollow.

Brian Braithwaite questioned regarding the land south of the Victor Property.

Matt Shipp stated the Victor Property would be his first choice, but if there were concerns with the Victor Property, they could take a look at the Clay Property to the south and it may be a close second.

Tim Irwin questioned why that site was not originally considered.

Matt Shipp stated there is 40,000 yards of clay sitting on the property. He stated the City may not necessarily need to remove the clay, but they would have to have engineering done to make sure it is stable enough to utilize. He stated if the structure will be temporary, it's one thing, but if it will be permanent is a whole other ball game.

Brian Braithwaite questioned what will be surrounding the property in the future. He stated to the west there is the Timpanogos Visitors Center, and questioned if they will ever want to own some of the property for parking. He suggested just building a permanent equipment storage building on the Clay Property.

Matt Shipp stated the Timpanogos Visitors Center owns three parcels, so they have plenty of land. He stated there are not any set uses for the land in the near future. He stated if the Council would like to have a permanent structure on the property, staff will look into issue.

Mayor Thompson stated he does not believe the Council will come to a decision on a site at this time, especially if they are going to look further into the Clay Property. He stated the Council needs to decide if they want to postpone the agreement and get the property issues resolved or if they will approve it tonight. He stated it will take at least a month to resolve some of the property issues. He stated a hard date needs to be set so WPI knows when the agreement will be passed.

Tim Irwin stated he is willing to give the staff a month to come back with a site recommendation and for a contract that includes a contingency on the building.

Nathan Crane questioned if the Council is willing to do a contingency in a month, why not do it now. He questioned regarding the buyer's proposal to have the contingency placed in the contract.

Tim Irwin stated the Council does not have a site currently selected. He stated he would like to see the contract with the contingency come back to the Council.

**MOTION: Brian Braithwaite moved the City Council to continue the discussion and directed the staff to look at the Victor Property and the Clay Property and come back in a month with layout plans and building options for a permanent structure.**

**Tim Irwin seconded the motion.**

Nathan Crane stated it needs to be more specific. He stated if it a permanent structure, he needs to know how much the Council would like to spend. He stated \$80,000 would get four walls, a roof, two overhead doors, some insulation, and wiring for electrical.

Brian Braithwaite stated they would like water, power, a bathroom, and air conditioning. He stated the City does not need all of it from the beginning. He stated it can be expanded in the future.

Nathan Crane stated they are looking for a site design with building options which would take over a month. He stated the City would need to hire someone to design the building. He stated he would not spend the money on an Engineering Firm until a site has been identified. He stated he can give the Council preliminary numbers, but they will not know for sure until it is engineered.

Matt Shipp stated the process would take two to three months. He stated they would need to do a geotechnical study if they would like a permanent structure.

Brian Braithwaite expressed his concern with spending temporary money if there is a site that may be potentially better. He stated he believes the Clay Property would be a better option because it does not have any planned future uses.



Dennis LeBaron suggested having staff look at two sites on opposite sides of the City. He stated they could build a building half the size in the Beacon Hill Park and another building half the size in the Mitchell Hollow Park.

Matt Shipp stated if that is the direction the Council would like to go, staff would definitely look into it.

Rod Mann questioned what the advantage would be for having two buildings.

Dennis LeBaron stated if there are two different sites, there would be a shorter distance required for travel.

Jessie Schoenfeld stated it would be a minimum of two to three months, so she suggested staff look into the Clay Property, see if it is feasible, and if so bring it to the next Council meeting and move forward with the engineering.

Matt Shipp stated location wise, the Clay Property is a good choice, but not geotechnical. He stated if the Council would like a permanent structure he will not be able to bring something back on the Clay Property at the next Council meeting.

Brian Braithwaite stated the Council does not know if it will be permanent structure until they know the cost required to do so. He stated he would prefer to wait and see if the Clay Property works out, because he believes it is a better site. He stated when staff comes back they can evaluate the cost to put a permanent structure there as opposed to a temporary one or a temporary one on the Victor Property. He stated Dan Schmidt suggested they could have a two year time frame in the contract.

Dan Schmidt suggested having a year time frame with two six month options to extend.

Brian Braithwaite stated that would be two years.

Nathan Crane stated the contract has a year contingency, but the Council could approve the contract with the stipulation that it may be modified to two years.

Tim Irwin stated he does not feel it is appropriate to write a contract at a Council meeting. He stated he would rather staff bring the contract with the stipulation back to Council.

**Brian Braithwaite withdrew his previous motion.**

**MOTION: Brian Braithwaite moved the City Council to direct City staff to conduct an engineering study on the Clay Property and bring it back in no more than three months, as well as bring back an agreement outlining a two year contract with Highland Town Plaza (WPI) at the next Council meeting.**

**Tim Irwin seconded the motion.**

**Those voting Aye: Rod Mann, Jessie Schoenfeld, Tim Irwin, Dennis LeBaron, Brian Braithwaite.**

**Unanimous vote, motion carried.**

Mayor Thompson stated it needs to be rodent proof or else all of the equipment will be chewed up. He stated it needs to have some sort of foundation, because if there is not one, rodents will get into the shed.

**COMMUNICATION ITEMS BY MAYOR, CITY COUNCIL & STAFF:**

There were no communication items at this time.

**ADJOURN TO A CLOSED EXECUTIVE SESSION**

**MOTION: Jessie Schoenfeld moved the City Council to adjourn to an Executive Session.**

**Brian Braithwaite seconded the motion.**

**Unanimous vote, motion carried.**

**ADJOURNMENT**

**MOTION: Jessie Schoenfeld moved to adjourn.**

**Tim Irwin seconded the motion.**

**Unanimous vote (Rod Mann did not vote due to electronic participation disconnected), motion carried.**

Meeting adjourned at 11:11 p.m.

  
JoD'Ann Bates, City Recorder

Date Approved: January 21, 2014